

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOHNATHAN ZUHOVITZKY and
ESTER ZUHOVITZKY,

Plaintiffs,

v.

UBS AG CHE 101.329.562; UBS AG
CHE 412.669.376; UBS SECURITIES
LLC, UBS FINANCIAL SERVICES INC.;
and UBS ASSET MANAGEMENT (US)
INC.,

Defendants.

Case No. 1:21-cv-11124-KPF

Hon. Katherine Polk Failla

STIPULATION AS TO SERVICE AND PROPOSED INITIAL SCHEDULE

Plaintiffs Johnathan Zuhovitzky and Ester Zuhovitzky and Defendants UBS AG CHE 101.329.561*; UBS Switzerland AG CHE 412.669.376**; UBS Securities LLC; UBS Financial Services, Inc.; and UBS Asset Management (US) Inc. (“Defendants” and together with Plaintiffs, the “Parties”), by and through their undersigned counsel, hereby agree and stipulate to the following:

WHEREAS, Plaintiffs filed the above-captioned action on December 21, 2021;

WHEREAS, the action was administratively closed on January 4, 2022 due to technical deficiencies in the Complaint;

* The body of the Complaint references UBS AG CHE 101.329.561, whereas the caption references UBS AG CHE 101.329.562. The correct register number for the legal entity UBS AG is CHE 101.329.561.

** The body and caption of the Complaint references UBS AG CHE 412.669.376 when the correct name of the legal entity with that registration number is UBS Switzerland AG CHE 412.669.376.

WHEREAS, on Plaintiff's motion, the Court reopened the action on April 29, 2022;

WHEREAS, Plaintiffs purported to serve Defendant UBS Financial Services, Inc. on June 1, 2022; and Defendants UBS Securities LLC and UBS Asset Management (US) Inc. on June 7, 2022;

WHEREAS, Defendants UBS AG CHE 101.329.561 and UBS Switzerland AG CHE 412.669.376, both located in and organized under the laws of Switzerland, have not yet been served;

WHEREAS, counsel for the Parties met and conferred via e-mail on June 17, 20, and 21, 2022 regarding waiver of service of process for the remaining Defendants and a proposed initial schedule to create a common deadline for all Defendants to respond to the Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the Parties, subject to this Court's approval, that:

1. Defendants agree to waive service of a summons and Complaint in the above-captioned action pursuant to Federal Rule of Civil Procedure 4(d). By waiving service of process, Defendants do not waive any defense other than insufficient process and insufficient service of process under Federal Rules of Civil Procedure 12(b)(4) and 12(b)(5). Defendants expressly reserve all other defenses, including any and all defenses related to jurisdiction and venue. *See* Fed. R. Civ. P. 4(d)(5).


2. Defendants shall answer or otherwise respond to the Complaint no later than August 16, 2022.

3. If Defendants move to dismiss the Complaint under Federal Rule of Civil Procedure 12 or otherwise, Plaintiffs shall have 30 days from the date such a motion is served to file an opposition to such a motion.

4. Defendants reply shall be due 14 days after service of Plaintiffs' opposition, if any.

Date: June 21, 2022

Respectfully submitted,


Melissa A. Perry Esq.
COHEN, LABARBERA & LANDRIGAN, LLP
99 Brookside Avenue
Chester, New York 10918
Tel: (845) 291-1900
mperry@ccl-law.com

Counsels for Plaintiffs

/s/ Robert T. Smith

David L. Goldberg
KATTEN MUCHIN ROSENMAN LLP
50 Rockefeller Plaza
New York, New York 10020
(212) 940-8800
david.goldberg@katten.com

Robert T. Smith
KATTEN MUCHIN ROSENMAN LLP
2900 K Street, NW – Suite 200
Washington, D.C. 20007
Tel: (202) 625-3500
robert.smith1@katten.com

Counsel for Defendants

The Court approves the parties' agreed-upon schedule, as reflected above.

Relatedly, the initial pretrial conference scheduled for July 26, 2022, is hereby ADJOURNED to **August 18, 2022, at 12:00 p.m.** At the appointed time, the parties shall call (888) 363-4749 and enter access code 5123533. Please note the conference will not be available prior to 12:00 p.m. The pre-conference submission outlined in the Court's notice of initial pretrial conference (Dkt. #17) shall be due on or before August 11, 2022.

Dated: June 22, 2022
New York, New York

SO ORDERED.

